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T-126 P.013/015 F-662

Remarks

Claims 1-15 and 17-46 remain pending after entry of this amendment. Claims 32 and 33 were amended herein. The claims were amended to more fully clarify the invention. No new matter was added by the amendments made herein. Favorable reconsideration of the remaining claims is respectfully requested in light of the above amendments and the remarks offered below.

Claims 33-46 are rejected under 35 U.S.C. § 112, second paragraph. Applicant respectfully traverses this rejection.

Claims 1-9, 13-15, 17-23, 27, 28, 33-42, and 46 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lott et al. Applicant respectfully traverses this rejection.

Claims 1-5, 10-15, 17-19, and 24-28 are rejected under 35 U.S.C. § 102(b) as being unpatentable over Johnson '683. Applicant respectfully traverses this rejection.

Claims 1-15, 17-28, and 33-46 are rejected under 35 U.S.C. § 102(a) as being anticipated by Sun '241. Applicant respectfully traverses this rejection.

35 U.S.C. § 112 Rejection

Claims 33-46 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner asserts that the phrase "laser area" does not provide elements to properly conform the laser area. Although Applicant does not necessarily agree with this rejection, claim 33 has been amended to remove the phrase "laser area" and simply states the components thereof. Applicant respectfully asserts that this amendment does not narrow the claim but merely states the components of the "laser area". Applicant respectfully asserts that this rejection be withdrawn in light of the above amendment to claim 33.

35 U.S.C. § 102 Rejection over Lott

Claims 1-9, 13-15, 17-23, 27, 28, 33-42, and 46 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lott et al. With respect to claim 1, the Examiner states that such method steps are inherent as a product-by-process from the apparatus provided by Lott. Applicant respectfully disagrees with this characterization of the reference. The structure depicted in Lott could be made by many other methods than that provided for in claim 1. As only one example of this, Applicant directs the Examiner's attention to the method provided for in Sun '241, which is

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explained in more detail below. Based on the fact that the device of Lott could be made using different methods, Applicant respectfully asserts that method claims 1-9 and 11-12 are most certainly not inherent in the device given by Lott.

With respect to claim 15, claim 15 is not anticipated by the device of Lott, because the device of Lott does not have "a dielectric mirror forming an aperture area and being positioned upon said partial top semiconductor DBR stack; and an implanted region configured around said aperture area but not penetrating said aperture area", because the dielectric stack, as referred to in Lott, spans beyond the aperture area as defined by the proton implant. Because the device of Lott does not include all of the elements of the device claimed in claim 15, 28, or 33, it does not anticipate these claims. Therefore, Applicant respectfully requests that this rejection be withdrawn.

35 U.S.C. § 102 Rejection over Johnson

Claims 1-5, 10-15, 17-19, and 24-28 are rejected under 35 U.S.C. § 102(b) as being unpatentable over Johnson '683. With respect to claim 1, the Examiner states that such method steps are inherent as a product-by-process from the apparatus provided by Johnson. Applicant respectfully disagrees with this characterization of the reference. The structure depicted in Lott could be made by other methods than that provided for in claim 1.

With respect to claims 15, 28, and 33, these claims are not anticipated by the device of Johnson, because the device of Johnson does not have "a dielectric mirror forming an aperture area and being positioned upon said partial top semiconductor DBR stack; and an implanted region configured around said aperture area but not penetrating said aperture area", because the dielectric stack, as referred to in Johnson, spans beyond the aperture area as defined by the proton implant. Because the device of Johnson does not include all of the elements of the device claimed in claim 15, 28, or 33, it does not anticipate these claims. Therefore, Applicant respectfully requests that this rejection be withdrawn.

35 U.S.C. § 102 Rejection over Sun

Claims 1-15, 17-28, and 33-46 are rejected under 35 U.S.C. § 102(a) as being anticipated by Sun '241. The Examiner asserts that the method of claims 1-12 are inherent in the production of the device of Sun. Applicant respectfully disagrees. The method of producing a device of

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Sun is given at column 2, line 5 through column 3, line 6. As seen there, ion implantation regions 116 are formed (col. 2, lines 36-39) before dielectric mirror 134 is formed (col. 3, lines 3-6). Therefore, the method of Sun '241 does not anticipate the method as claimed in claim 1.

With respect to claim 15, 28, and 33, these claims are not anticipated by the device of Sun, because the device of Sun does not have "a dielectric mirror forming an aperture area and being positioned upon said partial top semiconductor DBR stack; and an implanted region configured around said aperture area but not penetrating said aperture area", because the dielectric stack, as referred to in Sun, spans beyond the aperture area as defined by the proton implant. Because the device of Sun does not include all of the elements of the device claimed in claim 15, 28, or 33, it does not anticipate these claims. Therefore, Applicant respectfully requests that this rejection be withdrawn.

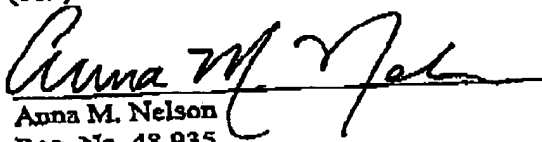
Conclusion

If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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